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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

Case No. 2:10-cr-00399-MMD-GWF

10 Plaintiff,

ORDER

11 v.

12 PAUL WAGNER,

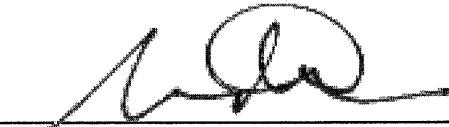
13 Defendant.  
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Before the Court is counsel for Defendant Paul Wagner's Motion to Withdraw. (Dkt. no. 173.) The Motion to Withdraw was filed the same day that a Notice of Appeal was filed. Because of the pending appeal, the Court lacks jurisdiction to take action on this motion. *U.S. v. Vroman*, 997 F.3d 627, 627 (9<sup>th</sup> Cir. 1993) (filing of notice of appeal "divests the district court of its control over the aspects of the case involved in the appeal") (*quoting Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)).

IT IS THEREFORE ORDERED that the Motion to Withdraw (dkt. no. 173) shall be referred to the Ninth Circuit Court for its consideration.

DATED THIS 12<sup>th</sup> day of September 2013.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE